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RULE 1

ORGANIZATION OF COURT DIVISIONS

- (A) "The Vigo Superior Court shall be comprised of three (3) divisions as follows: Division 1, Division 2, and Division 3, which also serve as the Vigo Circuit Court and the Vigo Juvenile Court to which there is appointed a Juvenile Court Magistrate.
- (B) The Vigo County Court is comprised of two (2) divisions as follows: Division 4 and Division 5.
- (C) These rules apply to procedure and administration of all the Vigo Courts except where in conflict with specific statutory provisions of the Indiana Trial Rules."

CHIEF JUDGE

The presiding judges of the Superior Court shall elect one (1) of their number as Chief Judge on or before January 1 of each year, who shall begin his term as Chief Judge upon his election. The Chief Judge shall have primary responsibility for the efficient and expeditious operation of the Court and serve as the chief administrator of the affairs of the Court. In the absence of the Chief Judge, the Judge senior in years on the bench shall act as temporary Chief Judge.

ASSIGNMENT OF CASES

The Clerk shall assign cases to one (1) of the three (3) Divisions of the Superior Court or two (2) Divisions of the County Court in accordance with the method and directions of the judges of the Vigo Superior and County Courts.

RULE 2

COURT HOURS

Each Court shall be open to the public daily during regular business days, Monday through Friday. The Presiding Judge of each respective Division shall designate a schedule of business hours for said respective Divisions as the respective Court's Docket allows and is in the best interests of the public and Court.

Except when otherwise designated, the Courts shall be open until 4:00 p.m. on each business day.

If any Division of the Court finds it necessary to remain in session until after 4:00 p.m., no member of the staff of that Division shall leave for the day except upon permission of the presiding Judge.

VACATIONS

Each employee of the Courts shall be entitled to up to four (4) weeks of vacation time each calendar year. The presiding Judge of each Division to determine the allocation or amount per employee and approve scheduling of same.

RULE 3

APPEARANCE AND WITHDRAWAL OF APPEARANCE

- (A) All pleadings shall show the name and address, telephone number, fax number and attorney number of the individual attorney or attorneys filing the same. All attorneys for a defendant or a third party shall file a formal written appearance for such defendant or third party. Any pleading not signed by at least one (1) attorney appearing of record as required by T.R. 11 shall not be accepted for filing by the Clerk of the Court or if inadvertently accepted for filing, shall, upon discovery of such omission, be stricken from the record. All appearance forms must be substantially in compliance with the requirements for appearance forms as set out by the Indiana Supreme Court.
- (B) Counsel desiring to withdraw their appearance in any action shall file a petition requesting leave to do so. Such petition shall fix a date for such withdrawal, and petitioning counsel shall file with the Court satisfactory evidence of at least five (5) days written notice to his client in advance of such withdrawal date.
- (C) A withdrawal of appearance when accompanied by the appearance of other counsel shall constitute a waiver of the requirements of Paragraph (B) of this rule.
- (D) In criminal cases, withdrawal of representation of a defendant may not be granted except upon hearing conducted in open court on record in the presence of the defendant. Withdrawal of appearance will be allowed without compliance with the requirements of this rule if the reason for withdrawal is the inability to locate and communicate with the defendant. And in such event, a warrant shall forthwith be issued for the arrest of the defendant.
- (E) This rule shall apply to all probate pleadings.

RULE 4

FORM AND STYLE OF PAPERS, NUMBER OF COPIES,

FILING AND SERVICES

- (A) In order that the files of the Clerk's office may be kept under the system commonly known as "flat filing", all papers presented to the Clerk of the Judge for filing shall be 8½" x 11", flat and unfolded. (Original oversized documents may be filed as part of a pleading; however, all copies shall be reduced to 8½" where possible.) Typewritten pages shall have no covers nor backs and shall be fastened together at the top and at no other place. All pleadings shall be typewritten on unlined, opaque paper, single spaced with double spacing between paragraphs. Briefs and instructions shall be double spaced.
- (B) All orders submitted to the Court shall be in sufficient number that the original may be retained by the Clerk and a copy mailed to each affected party. The original order shall be on at least fifty percent (50%) rag bond paper.
- (C) The use of mimeographed or printed forms is not encouraged and such will be accepted for filing only if legible, clearly understandable and not altered by striking over and/or erasing.
- (D) Pleadings, motions and other papers may be filed by Facsimile Transmission as provided by Indiana Administrative Rule 12; the Court, by Facsimile Transmission, may issue orders or other responses thereto. All Facsimile Transmissions, by a party or the Court, shall be considered as being mailed for purposes of computing time under T.R. 6(E).

RULE 5

INITIAL ENLARGEMENTS OF TIME

In every civil action pending in this Court in which a party wishes to obtain an initial enlargement of time not exceeding thirty (30) days within which to file a responsive pleading or a response to a written request for discovery or request for admission, the party shall contact counsel for the opposing party and solicit opposing counsel's agreement to the extension. In the event opposing counsel does not object to the extension or cannot with due diligence be reached, the party requesting the extension shall document the lack of objection by notice to opposing counsel and send a copy of the notice to the Clerk of the Court, which notice shall be filed of record in the case. No further filings with the Court nor action by the Court shall be required for the extension.

RULE 6

CONTINUANCES IN CIVIL CASES

Upon verified motion, civil actions may be postponed or continued in the discretion of the Court. The Court may award such costs as will reimburse the other parties for their actual expenses incurred from the delay. A motion to postpone a civil trial on account of the absence of evidence can be made only upon affidavit, showing the materiality of the evidence expected to be obtained, that due diligence has been used to obtain it; where the evidence may be; and if it is for an absent witness, the affidavit must show the name and residence of the witness, if known, and the probability of procuring the testimony within a reasonable time, and that his/her absence has not been procured by the act or connivance of the party, nor by others at the party's request, nor with his/her knowledge or consent, and what facts the party believes to be true, and that he/she is unable to prove such facts by any other witness whose testimony can be as readily procured. If the adverse party will stipulate to the content of the evidence that would have been elicited at trial from the absent document or witness, the trial shall not be postponed. In the event of a stipulation, the parties shall have the right to contest the stipulated evidence to the same extent as if the absent document or witness were available at trial.

If one of the parties is pro se, no continuance will be granted unless filed five (5) days prior to the hearing or trial.

RULE 7

MOTION PRACTICE; LENGTH AND FORM OF BRIEFS; ATTORNEYS' CONFERENCE; NOTIFICATION OF SETTLEMENT/RESOLUTION OF PENDING MOTIONS; REQUESTS FOR ORAL ARGUMENTS AND HEARINGS

- (A) A Motion to Dismiss under Rule 12 of the Indiana Rules of Trial Procedure, for judgment on the pleadings, for more definite statement, to strike, or motions made pursuant to Rule 37 of the trial rules shall be accompanied by a separate supporting brief. Unless the Court otherwise directs, an adverse party shall have fifteen (15) days after service of the initial brief in which to serve and file an answer brief, and the moving party shall have seven (7) days after service of the answer brief in which to serve and file a reply brief. Unless the Court otherwise directs, as respects all other motions, the adverse party shall have fifteen (15) days after service thereof in which to serve and file a response thereto, and the moving party shall have seven (7) days after service of such response in which to serve and file a reply thereto. Time shall be computed as provided in Rule 6, Indiana Rules of Trial Procedure. Local Rule 5 does not apply to the filing of briefs; therefore, extensions of time shall be granted only by order of the assigned or presiding Judge for good cause shown. Each motion shall be separate; alternative motions filed together shall each be named in the caption on the face. Failure to file an answer brief or reply brief within the time prescribed shall subject the motion to summary ruling. Any party may request oral argument upon a motion, but the granting of same is discretionary with the Court, excepting motions for summary judgment.
- (B) Except by permission of the Court, no brief shall exceed twenty (20) pages in length (exclusive of any pages containing a table of contents, table of authorities, and appendices), and no reply brief shall exceed ten (10) pages. Permission to file briefs in excess of these page limitations will be granted only upon motion supported by extraordinary and

compelling reasons.

Briefs

exceeding twenty (20) pages in length (exclusive of any pages containing the table of contents, table of authorities, and appendices) shall contain:

- (1) a
table of contents with page reference;
- (2) a statement of issues; and
- (3) a table of cases (alphabetically arranged), statutes and other authorities cited, with reference to the pages of the brief where they are cited.

If a party relies upon a legal decision not published in North Eastern Reporter 2d, or on a statute or regulation not found in the current publication of the United States Code, the Indiana Code, or the Indiana Administrative Code, then the party shall furnish the Court and all counsel of record with a copy of the relied-upon decision, statute, or regulation.

- (C) The parties shall immediately notify the Court of any reasonably anticipated settlement of a case or the resolution of any pending motion.
- (D) To curtail undue delay in the administration of justice, this Court shall refuse to rule on any and all motions for discovery and production of documents under T.R. 26 through T.R. 37, unless moving counsel shall first advise the Court in writing that after personal consultation and sincere attempts to resolve differences, they are unable to reach an accord. This statement shall recite, in addition, the date, time and place of such conference, and the names of all parties participating therein. If counsel for any party advises the Court in writing that opposing counsel has refused or delayed meeting and discussion of the problems covered in this subsection, the Court may take such actions as are appropriate to avoid delay.
- (E) A request for oral argument on a motion, shall be by separate instrument

served and filed with the brief, answer brief, or reply brief, except where such hearing is mandated by the Trial Rule (e.g., motion for summary judgment). The request for oral argument shall set forth specifically the purpose of the request and an estimate of the time reasonably required for the Court to devote to the argument. An oral argument shall not include the presentation of evidence. The granting of a motion for oral argument except as mandated by the Trial Rules, shall be wholly discretionary with the Court. The Court, upon its own initiative, may also direct that oral argument be held.

- (F) A request for an evidentiary hearing on a motion or petition may be made by any party after a motion or petition has been filed. The request for hearing shall set forth specifically the purpose of the hearing and an estimate of the time reasonably required for the Court to devote to the hearing. The Court, upon its own initiative, may also direct that a hearing be held.

RULE 8
BOND PROCEDURES

- (A) Persons charged with a non-violent misdemeanor shall be released on their own recognizance unless they do not reside in the State of Indiana. Except in the case of judicial order otherwise, the Sheriff shall have the authority and discretion to detain a person under the influence of intoxicating beverages or drugs until such time as that person may be safely released.
- (B) Paragraph (A) shall not apply to any person who has been previously convicted of a felony or who has been convicted previously of three (3) different misdemeanor charges, or who has been convicted previously upon the same charge for which he is then under arrest.
- (C) At the time each person is released on his own recognizance, he will be required to furnish data concerning his address, phone number, social security number, driver's license, employer's name and address, and, if under twenty-one (21) years of age, his parents' name, address and phone number.
- (D) A person charged with a criminal offense (felony or misdemeanor) may post bond in the amount shown in the bail bond schedule in one (1) of four (4) ways:
 - (1) Surety bond
 - (2) Real property bond
 - (3) Full cash bond, or
 - (4) By depositing with the Clerk of the Court, cash in the amount of ten percent (10%) of the bond set by the Court (unless the Court, in its discretion, prohibits such procedures).

Except as provided in Paragraph (A), no bond may be posted without approval of a Judge of the Superior or County Court. When the

conditions of the bond, as provided in Paragraph (D), have been performed and an order is entered discharging the bond, the Clerk shall retain ten percent (10%) of the amount deposited as an administrative fee, which money shall be paid into the General Fund of the County, and the remaining ninety percent (90%) of the deposit returned to the person making the deposit.

If a judgment for a fine and court costs (or either) is entered in a cause, the balance of the deposit, after deduction of the bond costs, may, upon order of the Court, be applied to the Court Clerk to the payment of the judgment.

The amount retained by the Clerk as bond costs shall be not less than Ten Dollars (\$10.00).

RULE 9

INTERROGATORIES

- (A) All discovery requests, including third party Requests for Production under T.R. 34(C), to be served upon another party shall not be filed with the Court. The person serving such discovery requests shall notify the Court in writing of the service of such discovery requests and the date upon which answers are to be made. Answered interrogatories and any objections thereto shall be filed with the Court by the person having the burden of answering or objecting, within the time provided by Indiana Trial Rules of Procedure or within such other time as the Court may allow.
- (B) Answers or objections to Interrogatories under Trial Rule 33 shall set forth in full the interrogatory being answered or objected to immediately preceding the answer or objection. Any objection to an interrogatory must clearly state in detail the legal basis upon which it is made, or the objection will be waived.
- (C) No mimeographed or otherwise duplicated forms containing interrogatories shall be filed or served upon a party unless all interrogatories on such forms are consecutively numbered and applicable to the case in which the same are filed and served. The intent and purpose of this rule is to prohibit the filing of mimeographed or otherwise duplicated forms of interrogatories except where the nature of the case or the number of the parties makes the use of such forms necessary and feasible.
- (D) The number of interrogatories which may be served pursuant to Trial Rule 33 shall be limited so as to require the answering party to make no more than one hundred twenty-five (125) responses. Waiver of this limitation by order of the Court will be granted in cases in which such limitation would work a manifest injustice or would be impractical because of the complexity of the issues of the case.

RULE 10

TRIALS

- (A) All counsel of record shall be advised promptly by the Court or Clerk of the Court as to the date and time of trial settings, either by individual notice or by providing copies of trial calendars, as the Court may direct.
- (B) When more than one (1) case is set for trial on a given trial date, the case set for second or third shall be required to stand for trial if counsel are given seven (7) calendar days notice that the case first set has been settled.
- (C) All requests for special instructions submitted in accordance with Trial Rule 51 shall be submitted to the Court not later than the beginning of trial. Counsel shall have the right to submit additional instructions during trial on matters which could not reasonably have been anticipated in advance of trial. Such requests for special instructions shall contain citations to supporting authorities. Instructions need not be exchanged by counsel until after the evidence has been submitted.
- (D) Indiana Pattern Jury Instructions shall be used where applicable.

RULE 11
DEPOSITIONS

- (A) Unless otherwise ordered by the Court, the clerk, at any time after a deposition is filed, shall open such deposition upon request of the Judge or a party or his attorney, first endorsing on the back thereof at the time of opening the name of the person at whose instance the deposition is opened and the date of opening.
- (B) Any party may offer the deposition of an expert, (including a treating or examining physician) at trial without having to first show the unavailability of that witness.
- (C) Any party may take the deposition of an expert, listed by either party's timely filed witness list, after the cut off of discovery if the purpose of the same is for the presentation of the deposition at trial.

RULE 12

CUSTODY AND DISPOSITION OF MODELS AND EXHIBITS

(A) **Custody.**

After being marked for identification, models, diagrams, exhibits and material offered or admitted in evidence in any cause pending or tried in this Court shall be placed in the custody of the court reporter unless otherwise directed by the Court.

(B) **Removal.**

All models, diagrams, exhibits or material placed in the custody of the court reporter shall be taken away by the parties offering them in evidence except as otherwise ordered by the Court within sixty (60) days after the case is decided, unless an appeal is taken. In all cases in which an appeal is taken, they shall be taken away within sixty (60) days after the appeal is concluded. At the time of removal, a detailed receipt shall be given to the court reporter and filed in the cause.

(C) **Neglect to Remove.**

If the parties or their attorneys shall neglect to remove models, diagrams, exhibits, or material within thirty (30) days after notice from the court reporter, the same shall be sold by the Sheriff at public or private sale or otherwise disposed of as the Court may direct. If sold, the proceeds, less the expense of the sale, shall be paid into the general fund of the county.

RULE 13

WITHDRAWAL OF ORIGINAL RECORDS AND PAPERS

- (A) No person shall withdraw any original pleading, paper, record, model or exhibit from the custody of the clerk or other officer of the Court having custody thereof except:
 - (1) upon order of a judge of this Court, and
 - (2) upon leaving a proper receipt with the clerk or officer.
- (B) No person shall remove any books from the Court or Judge's chamber except upon leaving a proper receipt with a member of the Judge's staff.

RULE 14

PRE-TRIAL PROCEDURE AND

ALTERNATIVE DISPUTE RESOLUTION

In all civil tort cases on the plenary docket, after the issues have been closed on the merits and the Court has determined jurisdiction is proper, the Court shall enter an initial pre-trial order substantially as follows:

COURT'S INITIAL PRE-TRIAL ORDER

Pursuant to Trial Rule 16, Indian Rules of Trial Procedure, and Local Rule 14, the Court enters the following initial pre-trial order:

- (A) The Court finds that the issues have been closed and makes a preliminary determination that jurisdiction is proper.
- (B) The Court ORDERS the parties immediately to commence such discovery as may be needed for the parties to mediate this matter.
- (C) The Court ORDERS each party to file and serve on all other parties a preliminary witness and exhibit list no later than thirty (30) days after entry of this Order. Parties not complying with this Order shall be subject to sanctions.
- (D) The Court ORDERS the parties to file, either jointly or separately, a pre-trial report no later than one hundred eighty (180) days after entry of this Order. The pre-trial report shall contain the following information:
 - (1) A brief summary of the nature of the case (including any non-binding observations about whether liability is contested);
 - (2) An estimate of days required for trial;

- (3) An agreement, if any exists, as to the parties' selection as mediator;
 - (4) An estimate as to additional time needed to complete discovery necessary for trial;
 - (5) An amended list of witnesses and exhibits necessary for trial;
 - (6) Any anticipated pre-trial motions, including dispositive motions (such as motions to dismiss or for summary judgment) and anticipated trial motions such as motions in limine);
 - (7) A summary of any stipulations proposed (or with respect to which the parties have agreed).
- (E) The pre-trial report ordered under paragraph (D) is a prerequisite to a scheduling conference at which a trial date is assigned.
- (F) Upon filing the mandatory pre-trial report, either party may request the court to schedule a telephone conference for determination of a trial date. The Court will then enter a formal pre-trial order setting forth final deadlines for discovery, disclosure of contentions, witnesses, and exhibits, pre-trial motions, and such other matters as the Court deems necessary in management of the case.
- (G) The parties are ORDERED to complete mediation of the case no later than three months after filing the pre-trial report under paragraph (D). Notwithstanding the foregoing, a party may file a pleading as part of its pre-trial report citing any basis to conclude that alternative dispute resolution would be futile or non-productive, citing the reasons therefore. An entry should be submitted with such pleading so that the Court can indicate whether its previous order of mediation is vacated.
- (H) Nothing in this Order shall preclude the parties from accelerating discovery as appropriate or convening mediation prior to filing a pre-trial report. A party shall not, however, request a pre-trial conference or scheduling conference without complying with this Order.

- (I) If the parties are unable to agree upon a mediator or arbitrator, the parties shall submit said fact to the Court and the Court shall name a panel of three (3) from which the parties shall strike.
- (J) Both parties shall have a party present at the alternative dispute resolution who has authority to resolve the case. When either party has insurance coverage (or another third party) that is subject to payment of any settlement or judgment that might be had in said case, then the insurance company (or third party) shall have someone present who has the authority to settle the case.
- (K) Upon a showing to the Court that any party failed to exercise good faith within the parameters of this Order, the Court shall have the authority to enforce sanctions.

RULE 15

PRE-TRIAL DISCOVERY - CRIMINAL CASES

In all criminal cases, the Court has entered the following General Order concerning pre-trial discovery:

- (A) The State shall disclose to the Defendant the following material information within its possession or control on or before thirty (30) days following the Initial Hearing:
 - (1) The names, last known addresses and telephone numbers of persons whom the State may call as witnesses together with
 - (a) their relevant written or recorded statements.
 - (b) memoranda containing substantially verbatim reports of their oral statements (if any memoranda exists)
 - (c) memoranda reporting or summarizing oral statements (if such memoranda exists),
 - (d) a brief statement, normally not to exceed ten words, indicating the nature of each witness' involvement in the case; such statements may be no more than a reference to statements described in paragraphs (A) (1), (a), (b), or (c) above.
 - (2) Any written or recorded statements and the substance of any oral statements made by the accused or by a co-defendant, and a list of witnesses to the making and acknowledgment of such statements.
 - (3) A transcript of the recorded grand jury testimony of persons whom the prosecuting attorney may call as witnesses at a hearing or trial. A typed transcript of said testimony shall be provided if it is available.

- (4) Any reports or statements of experts, made in connection with the particular case, including results of physical or mental examinations and of scientific tests, experiments or comparisons.
- (5) Any books, papers, documents, photographs, or tangible objects which the prosecuting attorney intends to use in the hearing or trial or which were obtained from or belong to the accused, together with the location of such items and an indication of appropriate means for defense counsel's examination of same. Under circumstances where chain of custody issues are readily apparent, such as drug cases, such chain shall be provided to the extent available on the disclosure date provided above and shall be supplemented.
 - (a) upon Defendant's written request,
 - (b) by pre-trial conference, and
 - (c) thereafter as ordered to complete such chain.
- (6) Any arrest record or prior criminal convictions which may be used for impeachment of the persons whom the State intends to call as witnesses at the hearing or trial.
- (7) A copy of any written agreement and the complete substance of any oral agreement made by the State with (a) any witnesses to secure their testimony or (b) any co-defendant or other person charged arising out of same incident.
- (8) Any evidence which tends to negate the guilt of the accused as to the crime charged or tends to reduce the class of the act alleged or which would tend to mitigate his punishment.
- (9) Evidence of other crimes which the State intends to use at trial, pursuant to Rule 404, Indiana Rules of Evidence.
- (B) (1) The State shall perform these obligations in any manner mutually agreeable to the Prosecutor's Office and to defense counsel. The State shall provide legible copies of existing written statements described in

paragraphs (A)(1), (2), (3), and (7). Other items shall be provided for examination, testing, copying, photographing, or other proper use either by agreement or at specified reasonable times and places. Defense counsel shall provide reasonable notice of such examination and shall schedule these examinations in cooperation with the State. An application to the Court shall be made to obtain copies of audio or video tape. Said application shall state in specific terms the necessity for such copies.

- (2) The State shall make a record of compliance with this order not more than five (5) days after the date set out in paragraph (A) above.
- (C) Subject to Constitutional limitations, the defense shall disclose to the State the following material and information within its possession or control on or before thirty (30) days following the date that the State has provided to the defense the information required under this rule.
 - (1) The names, addresses and telephone numbers of persons whom the defendant may call as witnesses along with (a) a summary of their testimony similar to that described in (A)(1)(d), (b) record of prior criminal convictions, and (c) the relationship, if any, of the witness to the defendant or any co-defendant.
 - (2) Any books, papers, documents, photographs, or tangible objects which are intended to be used at a hearing or trial.
 - (3) Any reports or statements of experts, made in connection with the particular case, including results of physical or mental examinations and of scientific tests, experiments or comparisons insofar as permitted by law.
 - (4) A statement of defenses, procedural or substantive, the defendant intends to make at a hearing or trial. Such a statement shall not limit defendant's right to file any defense defined by statute, such as alibi, insanity, etc., where a specific timetable for notice to the State is statutorily described.
- (D)
 - (1) The defense shall perform these obligations in any manner mutually

agreeable to the Prosecutor's Office and to defense counsel. Defense shall provide the same documents in a fashion similar to the State's obligations described in (B)(1).

- (2) The defense shall make a record of compliance with this order not more than five (5) days after the date set out in paragraph (C) above.
- (E) The Court anticipates that compliance will be deemed satisfactory unless failure to comply is brought to the Court's attention by Motion to Compel. Sanctions for failure of compliance or violations of orders on Motion to Compel shall be pursuant to Trial Rule 37.
- (F) Nothing herein shall limit any party's right to seek protective orders to avoid destruction or other loss of evidence, or to seek deposition at such times as they may desire.
- (G)
 - (1) The Court may deny disclosure upon showing that:
 - (a) A substantial risk to any person of physical harm, intimidation, bribery, economic reprisals, or unnecessary annoyance or embarrassment resulting from such disclosure which outweighs any usefulness of the disclosure to counsel.
 - (b) There is a paramount interest in non-disclosure of an informant's identity and a failure to disclose will not infringe the Constitutional rights of the accused. Disclosure of the identity of witnesses to be produced at a hearing or trial will be required.
 - (2) Such determination of non-disclosure shall be by the Court and shall not be within the discretion of the State or defense. Such non-disclosure shall be sought by motion for protective order.
- (H) Disclosure shall not be required of:
 - (1) Any matter otherwise protected by law (however disclosing the identity of juvenile co-defendants or witnesses shall not be barred because of delinquency non-disclosure statutes).

- (2) Work product of counsel including memoranda of opinions, theories, or research for themselves or from their legal or in-house investigative staff.
- (I) This discovery order is a continuing order through the trial of this cause and no written motion shall normally be required except to compel discovery for a protective order, or for an extension of time.
- (J) Failure of either party to engage in and comply with discovery shall not be excused by the parties unsuccessful or incomplete efforts to enter into a plea agreement or other resolution of the case unless both parties waive in writing (1) compliance with this order for a specified period of time and (2) any speedy trial requirements.
- (K) Any cost for reproduction or transcripts under this order shall be borne by the party to whom the information is provided except that as to pauper counsel defendants the costs shall be borne by the State or County.

RULE 16

BANKRUPTCY **NOTICE OF STAY**

Whenever any party receives an order from a Bankruptcy Court staying proceedings, it shall be sufficient for such party to file a notice of such order with the Court. Such notice shall contain the name of the party, the cause number in bankruptcy and the date of the issuance of the stay.

RULE 17

ASSIGNMENT OF CRIMINAL CASES

- (A) All criminal offenses arising out of domestic relations shall be assigned to County Court 4 to the extent of its jurisdiction.
- (B)
 - (1) All misdemeanor offenses (except those arising out of domestic relations) shall be assigned to County Court 5.
 - (2) All criminal offenses relating to the operation of a motor vehicle or controlled substances shall be assigned to County Court 5 to the extent of its jurisdiction.
- (C) Criminal cases shall not be assigned to Superior Court 2.
- (D) The following rotation for felony cases is adopted for Superior Court 1 and Circuit/Superior Court 3, and is based upon the time of the occurrence of the offense:
 - (1) Offenses occurring between 12:01 A.M. on the first day of each month through or until 12:01 A.M. on the 16th day of each month will be assigned to Superior Court 1.
 - (2) Offenses occurring between 12:01 A.M. on the 16th of the month until 12:01 A.M. on the first day of the immediately following month will be assigned to Circuit/Superior Court 3.
 - (3) In the case of multiple offenses, the date of the earliest offense alleged in the charging document shall assign the rotation date and assignment of the Court. If a case involves both felony and misdemeanor charges; the case shall be considered a felony for application of this rule.
- (E) A Judge of the Circuit, Superior or County Court, by appropriate order entered in the record of judgments and orders, may transfer and reassign a

case to any other Court of record in the county with jurisdiction to hear the charged offense subject to acceptance by the receiving Court.

- (F) When the State of Indiana dismisses a case and chooses to refile that case, the case shall be assigned to the Court from which the dismissal was taken. In the event additional charges are filed against a criminal defendant subsequent to the assignment of the case, all such additional charges shall be assigned to the Court of initial assignment provided it has the jurisdiction.
- (G)
 - (1) In the event a change of judge is granted or it becomes necessary to assign another judge in any criminal proceeding in Superior Court 1, the case shall be reassigned to the judge of Superior Court 3.
 - (2) In the event a change of judge is granted or it becomes necessary to assign another judge in any criminal proceeding in Superior Court 3, the case shall be reassigned to the judge of Superior Court 1.
 - (3) In the event a change of judge is granted or it becomes necessary to assign another judge in any criminal proceeding in County Court 4, the case shall be reassigned to judge of County Court 5.
 - (4) In the event a change of judge is granted or it becomes necessary to assign another judge in any criminal proceeding in County Court 5, the case shall be reassigned to judge of County Court 4.
- (H) In the event no judge is available for assignment or reassignment of a felony or misdemeanor case, such case shall be certified to the Indiana Supreme Court for appointment of a Special Judge. In the event the judge presiding in a felony or misdemeanor case concludes that special circumstances presented in such proceeding require appointment by the Indiana Supreme Court of a Special Judge, the presiding judge may request the Indiana Supreme Court for such appointment.
- (I) This rule does not prohibit the filing of appropriate criminal cases in the Terre Haute City Court to the extent of its jurisdiction.

